

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ECOMORE CORPORATION, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CA 06-1202
)	
OPTIUM CORPORATION,)	
)	
Defendant.)	

AMBROSE, Chief District Judge.

ORDER ON CLAIMS CONSTRUCTION

Plaintiffs have charged Defendant with infringement of United States Patent No. 6,282,003 ("the '003 patent") and with infringement of United States Patent No. 6,490, 071 (the '071 patent"). Defendant has filed for declaratory judgment of non-infringement and invalidity of the '003 and '071 patents.

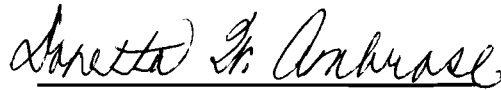
Given the highly technical nature of the patents, the parties accepted my recommendation to retain a Special Master to oversee the claims construction process. By Order dated May 17, 2007, I appointed Gale R. Peterson to serve as Special Master in this litigation. (Docket No. 68). On May 31, 2007, the Special Master conducted a *Markman* hearing in the Western District of Pennsylvania, which I attended as an observer. On July 2, 2007, the Special Master has issued his Report and Recommendation on Claim Construction Regarding U.S. Patent No. 6,282,003 and 6,490,071. Docket No. 76).

I would like to take a moment to commend the Special Master on his work. This Court gave him a very narrow timetable. He digested an enormous amount of complex information and tendered, in an expedited fashion, a finely crafted claims construction. The parties' involvement was, in this Court's view, well worth the expense.

I reviewed the parties' submissions in advance of the *Markman* hearing, I attended the

hearing, I reviewed the Special Master's Report and Recommendation on Claim Construction Regarding U.S. Patent No. 6,282,003 and 6,490,071, and I have reviewed the Objections, Motion to Modify, and Responses thereto filed by the parties. After careful considerations, and for the reasons set forth therein, the Special Master's Report and Recommendation on Claim Construction Regarding U.S. Patent No. 6,282,003 and 6,490,071 (Docket No. 76) is hereby adopted in its entirety. Plaintiffs' Objections (Docket No. 77) and Defendant's Motion to Modify (Docket No. 78) are denied.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Donetta W. Ambrose".

Donetta W. Ambrose
Chief U.S. District Judge

Dated: August 10, 2007